

**City of Carson City
Agenda Report**

Date Submitted: November 25, 2013

Agenda Date Requested: December 5, 2013

Time Requested: 10 minutes

To: Carson City Board of Supervisors

From: Health & Human Services (Nicki Aaker)

Subject Title: For Possible Action: To adopt on second reading, Bill No. 127, an ordinance amending the Carson City Municipal Code Title 7, Animals, Chapter 7.13 Licensing and Regulations, by amending section 7.13.010 Definitions to amend and add new definitions, by amending Section 7.13.020 Carson City Animal Services/ Powers by amending duties Animal Services and by amending Section 7.13.050 Animal Permits/License/Adoptions to revise and eliminate certain provisions, Amending Section 7.13.060 Vaccinations/Rabies/Animal Bites and Quarantine by updating the language and by amending Section 7.13.070 Impounding of Animals by updating responsibility of owner, and other matters properly related thereto. *(Nicki Aaker)*.

Staff Summary: This ordinance update is necessary to further define Health Director, Rabies Control Authority, and Stray Animal; to change the stray animal holding period from the current ten (10) days based on legal interpretation of the current ordinance to five (5) days; and to allow individuals in formal educational programs, such as 4-H and Future Farmers of America, to apply for permits to have livestock on residential lots.

Type of Action Requested:

(check one)

Resolution

Ordinance – Second Reading

Formal Action/Motion

Other (Specify) Information Only

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: I move to adopt on second reading, Bill No. 127, an ordinance amending the Carson City Municipal Code Title 7, Animals, Chapter 7.13 Licensing and Regulations, by amending section 7.13.010 Definitions to amend and add new definitions, by amending Section 7.13.020 Carson City Animal Services/ Powers by amending duties Animal Services and by amending Section 7.13.050 Animal Permits/License/Adoptions to revise and eliminate certain provisions, Amending Section 7.13.060 Vaccinations/Rabies/Animal Bites and Quarantine by updating the language and by amending Section 7.13.070 Impounding of Animals by updating responsibility of owner, and other matters properly related thereto.

Explanation for Recommended Board Action: Title 7 was updated earlier this year however, staff has discovered that certain provisions and definitions had not been included in the amended ordinance. Further, given that the updated ordinance has been in practice for approximately 6

months, staff felt it necessary to update some of the provisions to make the ordinance more workable.

Applicable Statue, Code, Policy, Rule or Regulation: CCMC Title 7; NRS 441A

Fiscal Impact: No Fiscal Impact

Explanation of Impact: N/A

Funding Source: N/A

Alternatives: Not accept the proposed changes

Supporting Material: CCMC Title 7, Chapters 7.13.010, 7.13.020, 7.13.050, 7.13.060 and 7.13.070.

Prepared By: Nicki Aaker, MSN, MPH, RN

Reviewed By: <u>N. Aaker</u>	Date: <u>11/25/13</u>
(Department Head)	
<u>[Signature]</u>	Date: <u>11/25/13</u>
(City Manager)	
<u>[Signature]</u>	Date: <u>11/25/13</u>
(District Attorney)	
<u>[Signature]</u>	Date: <u>11/25/13</u>
(Finance Director)	

Board Action Taken:

Motion: _____	1) _____	Aye/Nay
	2) _____	_____

(Vote Recorded By)

ORDINANCE NO. _____

BILL NO. 127

AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 7, ANIMALS, CHAPTER 7.13 LICENSING AND REGULATIONS, BY AMENDING SECTION 7.13.010 DEFINITIONS, TO AMEND AND ADD NEW DEFINITIONS, BY AMENDING SECTION 7.13.020 CARSON CITY ANIMAL SERVICES/ POWERS BY AMENDING DUTIES ANIMAL SERVICES AND BY AMENDING SECTION 7.13.050 ANIMAL PERMITS/LICENSE/ADOPTIONS TO REVISE AND ELIMINATE CERTAIN PROVISIONS, AMENDING SECTION 7.13.060 VACCINATIONS/RABIES/ ANIMAL BITES AND QUARANTINE BY UPDATING THE LANGUAGE AND BY AMENDING SECTION 7.13.070 IMPOUNDING OF ANIMALS BY UPDATING RESPONSIBILITY OF OWNER, AND OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF SUPERVISORS OF CARSON CITY DO ORDAIN:

Chapter 7.13 - LICENSING AND REGULATIONS

Sections:

- 7.13.010 - Definitions
- 7.13.020 - Carson City Animal Services/Powers
- 7.13.030 - Animal Service Officer/Sheriff/Authority
- 7.13.040 - Collections/Disbursements/ Fee Schedule
- 7.13.050 - Animal Permits/License/Adoptions
- 7.13.060 - Vaccinations/Rabies/Animal Bites and Quarantine
- 7.13.070 - Impounding of Animals
- 7.13.080 - Responsibility of Owner
- 7.13.090 - Endangering Animals
- 7.13.100 - Dangerous/Vicious
- 7.13.110 - Prohibited Activities
- 7.13.120 - Violations and Penalty
- 7.13.130 - Severability

Section I: Title 7, Chapter 7.13, Section 7.13.010 of the Carson City Municipal code is hereby amended as follows:

7.13.010 - Definitions

1. "Adequate feed" means the provision at suitable intervals for the species, of a quantity of wholesome food suitable for the species, physical condition and age,

sufficient to maintain an adequate level of nutrition of an animal, such foodstuff to be served in a clean receptacle, dish or container.

2 "Adequate shelter" means a physical structure or place suitable for maintaining the health and life of an animal and protection from weather.

3. "Adequate water" means an adequate supply of clean, fresh, potable water provided at suitable intervals for the species, physical condition, health and age of the animal provided at least once every twelve (12) hours.

4."Animal" means every living creature except humans.

5."Animal Services" means the facility authorized by the Carson City Board of Supervisors for receiving, impounding, care and disposal of animals that come into the custody of Carson City Animal Services.

6. "Animal Services Manager" means the person in charge of Animal Services, officers and personnel.

7."Animal Service Officer" means any person, including the animal services manager, in Carson City responsible for the enforcement of this chapter and regulations promulgated hereunder and authorized to possess and administer a controlled substance in accordance with applicable regulations of the state board of pharmacy as specified in NRS 453.375 and working at the direction and under the supervision of the health and human services director.

8. "Bite" means a puncture or tear of the skin inflicted by the teeth of an animal.

9."Confined" means a condition whereby an animal is restricted by enclosed lot, leash, cord, cage or container, chain of suitable length or size for the type of animal, except as provided for in section 7.13.090 subsection 1 and so placed that the animal has free access to food, water and shelter and further so affixed as to preclude the animal from becoming entangled on any obstruction. The cage, coop, stable, leash, container, cord, chain or fence barrier shall be of such size and length to permit the animal to stand upright and lie down, and of such further dimensions as shall be deemed adequate by the Animal Services Officer.

10."Cruelty or torture" means every act of omission or commission that results in unjustifiable physical pain, suffering or death to any animal.

11. "Enclosed lot" means a parcel of land or portion thereof around the perimeter of which is a fence or wall adequate to contain the animals kept therein.

12."Estray" means any livestock running at large upon public or private lands in the State of Nevada, whose owner is unknown in the section where the animal is found.

13. "Health Director" means the Carson City Health and Human Services Director ~~[and the Rabies Control Authority or his/her designated and duly authorized representative]~~.

14. "Humanely Destroyed" means any euthanasia method that quickly induces loss of consciousness followed by death, while ensuring the death is as free from pain, distress, anxiety, or apprehension as possible.

15. "Impound" means the act of taking or receiving into custody by the animal services officer, any animal for the purpose of confinement at Animal Services facility consistent with the provisions of this chapter.

16. "Livestock" means all cattle or animals of the bovine species; all horses, mules, burros and ass or animals of the equine species; all swine or animals of the porcine species; all goats or animals of the caprine species; all sheep or animals of the ovine species; and all poultry or domesticated fowl or birds.

17. "Motor vehicle" means every self-propelled device in, upon, or by which any person or property is or may be transported or drawn upon a road or highway except devices powered by human power or used exclusively upon stationary rails or tracks.

18. "Owner" means any person owning, keeping, possessing, harboring, or having the care, custody or control of any animal, or permitting any animal to be or remain on, or be lodged or fed within such person's house, yard or premises or furnishing a medical certificate, bill of sale, or other indicia of ownership or possession.

19. "Person" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate or other legal entity.

20. "Rabies Control Authority" means the person designated by the Carson City Board of Supervisors to administer rabies control program.

2[0]1. "Rabies Vaccination" means the inoculation of a dog, cat or ferret with rabies vaccine licensed by the United States Department of Agriculture and included in the latest Compendium of Animal Rabies Vaccines of the Public Health Service of the United States Department of Health and Human Services. Such vaccination must be performed by a licensed veterinarian.

2[4]2. "Sheriff" means the Sheriff of Carson City, his or her deputies or any person designated by the sheriff to act herein.

23. "Stray animal" means any domestic animal at large, excluding livestock, whose owner is unknown, who has no owner, or no apparent home.

2[3]4. "Vaccine" means any preparation intended for active immunologic prophylaxis.

2[4]5. "Veterinarian" means a member of the profession of veterinary medicine as described in chapter 638 of NRS, or the term as defined by the applicable veterinary practice act in any state of the United States.

2[5]6. "Wildlife" means any animal found naturally in the wild state, whether indigenous to the State of Nevada or not and whether raised in captivity or not.

Section II: Title 7, Chapter 7.13.020 of the Carson City Municipal Code is hereby amended as follows:

7.13.020 - Carson City Animal Services/Powers

1. There is established Carson City Animal Services which is and shall be maintained in such place or places as provided for by the board of supervisors. The operation, direction, supervision and necessary control of Carson City Animal Services shall be duties delegated by or contracted for by the board of supervisors.
2. To enforce all provisions of this chapter and all laws of the State of Nevada relating to the licensing, permitting, control, care, treatment, impoundment, confinement, maintenance, safekeeping, identification and destruction of animals; except wildlife.
3. To keep records, accounts, receipts, and reports in accordance with provisions of this chapter and the laws of the State of Nevada.
4. To receive and respond to complaints or violations of this chapter or the laws of the State of Nevada per applicable sections of the NRS, and prepare, sign and serve written citations to persons violating the provisions of this chapter or applicable laws of the State of Nevada.
5. To collect any costs, charges, or fees provided in this chapter.
6. To seize, impound or take custody of animals found to be in violation of the provisions of this chapter or the laws of the State of Nevada.
7. To destroy in a humane manner, any animal lawfully seized, or impounded which is determined to be by reason of abandonment, injury, disease or other cause, unfit for further use, or which is determined to be dangerous or inimical to human life or public safety.

8. To destroy in a humane manner at the owner's expense any animal whose owner requests said destruction, if the Animal Services Manager or his/her designee agrees that the destruction is the most humane action for the animal.
9. To determine the adoptability of any animal that is seized, impounded or that comes into the custody of Animal Services after a [~~seventy-two (72) hour~~] 5 day holding period.
10. To vaccinate, microchip, and offer for adoption unclaimed or unredeemed animals as deemed appropriate.
11. To provide chargeable services such as microchip, vaccines, rabies vaccinations, euthanasia, and disposal.
12. To maintain, operate, and collect fees/charges associated with the pet cemetery.

Section III: Title 7, Chapter 7.13.050 of the Carson City Municipal Code is hereby amended as follows:

7.13.050 - Animal Permits/License/ Adoptions

1. No person shall keep more than three (3) dogs over six (6) months of age or three (3) cats over six (6) months of age, at any place, or on any premises, or in any one (1) residence without first obtaining a permit to have more than the allowed number of animals from Animal Services.
2. Animals used for formal educational purposes, such as 4H or Future Farmers of America, [~~or used in law enforcement are exempt from such permits.~~] may apply for permits to have livestock on residential lots.
3. Animals used in law enforcement are exempt from such permits.
- [3]4. No person shall keep any livestock or farm animals except as provided below:
 - a. Horses, swine, fowl, sheep or other animals of a similar nature shall not be maintained on any lot or parcel other than a lot or parcel zoned agriculture (A), conservation reserve (CR), single-family one-acre (SF1A), single-family two-acre (SF2A) or single-family five-acre (SF5A).
 - b. On residentially zoned properties requiring less than one (1) acre in land area, a maximum of two (2) rabbits, two (2) potbelly pigs, that weigh less than one hundred fifty (150) pounds each and four (4) female chickens or female ducks may be kept. [~~e.~~] The keeping or raising of livestock and other farm animals as allowable under this section shall be permitted in accordance with the table of animal units and density standards described as follows:

<u>ANIMAL TYPE</u>	<u>ANIMAL UNIT EQUIVALENT (A.U.E)</u>
1-Horse, Mule or Donkey	1.00
1-Cow, Steer, or Bull	1.00
1-Pig, Llama, or Alpaca	1.00
1-Pony or Burro	1.00
1-Sheep, Goat or Mini Horse	0.50
1-Rabbit or Fowl	0.20

Livestock and farm animal numbers will be established at the density of one (1) animal unit for each seven thousand (7,000) square feet of lot area. All fractional densities are to be rounded down to the nearest whole number. For example: On a one (1) acre parcel (forty-three thousand five hundred sixty (43,560) square feet), six (6) A.U.E's would be allowed. For every residential parcel larger than one (1) acre and zoned single-family two-acre (SF2A) or single-family five-acre (SF5A), only two (2) A.U.E's may be added per additional acre up to five (5) acres.

Calculations for allowable animals may be combined to total an allowable animal unit density. For example: On a one (1) acre parcel where six (6) animal units are allowed, 3 horses (3x1.00) = 3.00 A.U.E + 4 sheep (4x0.50) = 2.00 A.U.E + 5 chickens (5x0.20) = 1.00 A.U.E, for a total of 6.00 animal unit density.

No person shall keep more than the allowable livestock or farm animals on any premises, or on any one (1) property without first obtaining a permit to have more than the allowed number of animals from Animal Services.

5[4]. Every person must possess a current license for every dog he/she owns, keeps, harbors or possesses. The owner of any dog over the age of three (3) months shall maintain a current and valid license issued by Animal Services.

6[5]. Every owner shall securely fasten about the neck of the dog, a collar with the license attached thereto. If such dog cannot wear a collar, it shall be implanted with a microchip. It is unlawful for any person to remove any license from any dog not owned by him/her, or to place on any dog a counterfeit, imitation, or altered license.

7[6]. It shall be the duty of the owner of any dog to procure a replacement license and pay the replacement license fee if such license is lost.

8[7]. Every person applying for or renewing a license must exhibit a current certificate of rabies vaccination, as required by the NRS, if applicable, and issued by a licensed veterinarian.

9[8]. Animal Services may, upon acquiring ownership of any animal, humanely destroy said animal or adopt such animal.

10[9]. Every person seeking to adopt an animal from Animal Services shall sign an adoption contract containing the provisions set forth in NRS 574.645.

Section IV: Title 7, Chapter 7.13.060 of the Carson City Municipal Code is hereby amended as follows:

7.13.060 - Vaccinations/Rabies/Animal Bites and Quarantine

1. The rabies control authority is designated as the County Health Officer or his/her designee in accordance with NAC441A.410(1). The rabies control authority is responsible to administer the rabies control program. Any person authorized by him/her to act on his/her behalf in accordance with NAC441A.410(1). The rabies control authority is responsible to administer the rabies control program.
- 2[1]. An owner of any dog, cat or ferret shall maintain such animal currently vaccinated against rabies in accordance with the provisions of this section and the recommendation set forth in the current "Compendium of Animal Rabies Prevention and Control" published by the National Association of State Public Health Veterinarians, Inc. which is hereby adopted by reference.
- 3[2]. Any owner of a dog, cat or ferret over the age of three (3) months shall cause such animal to be vaccinated with rabies vaccine.
- 4[3]. Any owner of a dog, cat or ferret shall provide Animal Services with a current certificate of rabies vaccination and pay any fees due, prior to reclaiming custody of said animal.
- 5[4]. Animal Services may administer other vaccinations for any animal impounded at Animal Services. All fees for other vaccinations shall be paid by the owner or owner's representative prior to reclaiming the animal.
- 6[5]. Animal Services, on advice from a licensed veterinarian, may exempt any animal from alteration or vaccination requirements.
- 7[6]. Every veterinarian who vaccinates an animal with rabies vaccine shall issue the owner a certificate of rabies vaccination in accordance with NAC 441A.440, and shall provide a copy of said certificate to the Health Director.
- 8[7]. Animal Services shall investigate all reports of an animal bite in accordance with all applicable sections of the NAC 441A.410 through NAC441A.430 and the current Compendium of Animal Rabies Prevention Control.

Section V: Title 7, Chapter 7.13.070 of the Carson City Municipal Code is hereby amended as follows:

7.13.070 - Impounding of Animals

1. Every stray animal impounded shall be held by Animal Services for a minimum of ~~[seventy-two (72) hours]~~ five (5) days. If within the ~~[seventy-two (72) hours]~~ five (5) days an ~~[the]~~ owner comes forth, provides proof of current rabies vaccine, a current license (if applicable), a reclaim fee, a boarding fee (if applicable), and any other vaccination fee, such animal shall be released to its owner. The fees in this section may be imposed or waived in accordance with the provisions of 7.13.040.

After 5 days, any stray animal, that has not had an identified owner, come forth to claim an ownership right in such animal, it will become the property of Carson City Animal Services. If an owner has asserted ownership rights to a stray animal, but has failed to claim their animal after five (5) days, the animal will be kept for up to five (5) additional days as a possibly abandoned animal as provided in section 6 of this subsection.

After 5 days, the stray animal will become the property of Animal Services.

2. Any estray shall be impounded at Animal Services as pursuant to NRS 569.005 through 569.130.
3. Impound fees shall be increased for each additional impoundment of an animal and a boarding fee shall be assessed for each day over twenty-four (24) hours from the time of impound.
4. At the owner's expense, any dog or cat impounded for the second time shall be required to be implanted with a microchip prior to release.
5. Any animal impounded at Animal Services suspected of having or having been exposed to rabies or showing any other signs of disease shall be held for inspection by a certified veterinarian at the owner's expense.
6. Any animal impounded as a result of the owner's arrest, hospitalization, protective shelter, death, or possible abandonment shall be kept under protective custody. Animal Services will board such animal for up to ten (10) days at the owner's expense. At the time of impound, written notice shall be posted upon the property from which the animal was taken or served upon the owner. If such animal is not reclaimed within ten (10) days of date and time of impound, Animal Services shall have legal ownership of such animal.

Section VI: If any clause, sentence, section, provision or part of this chapter shall be adjudged to be unconstitutional or invalid for any reason by any court of

competent jurisdiction, such judgment shall not invalidate, impair or affect the remainder of this chapter.

Section VII: All ordinances or parts of ordinances, sections in the Carson City Municipal Code in conflict herewith are hereby repealed.

Section VIII: That no other provisions of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on _____ (month) _____ (day), 2013.

PROPOSED by _____.

PASSED _____ (month) _____ (day), 2013.

VOTE: AYES: SUPERVISORS: _____

NAYS: SUPERVISORS: _____

ABSENT: SUPERVISORS: _____

Robert Crowell, Mayor

ATTEST:

ALAN GLOVER
CLERK/RECORDER.

This ordinance shall be in force and effect from and after the ___ day of the month of _____ of the year, 2013.